

[CONTINUED FROM FIRST PAGE.]

to the good character of Alice Upchurch, she having been a member of his Sunday school class. Geneva Whitaker was also a member of his class and her character was perfectly good. He did not know whether at the time of this occurrence there were many people passing at that time. He said a conversation on the floor in Boyle's room would be more readily heard than a cry, and stated that Miss Whitaker's voice was strong. There was nothing in a priest's duties which gave him authority to rape a girl.

The solicitor announced that this closed the evidence for the State. Boyle's counsel asked leave to introduce Tom Price, the negro hackman, and Mr. Mosely and Mr. Womble, as witnesses in regard to Boyle's sobriety on that Saturday. The solicitor protested, saying that if this evidence were admitted the State would wish to offer some new witnesses. There was quite an argument on this matter. The judge declined to allow this reopening of the case. He directed counsel to arrange the order of argument. Col. Fuller announced that the State would open and close.

The Argument.

The argument in the case began about 11:30 o'clock and was opened by the solicitor for the State in an introductory talk of about five minutes. He stated to the jury that in the consideration of this case they could return a verdict of either rape, or of assault with intent to commit rape. The law specifies that rape may be committed under two conditions—one under force and one under fear. He stated the outline of what his speech would be in closing the argument, and said that he would argue from circumstances and conditions that the prosecutrix was entitled to be fully believed, and that the record of the prisoner and his demeanor on the stand did not entitle him to belief from the jury.

The argument for the defence was opened by Col. T. C. Fuller.

He began by presenting to the jury the fact, that on to-day, they held the life of a fellow being in their hands. "A man's life is trembling in the balance of your power. As you sit in judgment on him your power is omnipotent. I beg you to listen to his cause and hear his counsel with patience, and to exercise your power with a discretion and a prudence that will never give you a cause for regret."

Col. Fuller, during his argument, made a full recital of the case, dwelling strongly on the facts that the alleged occurrence took place in a very public locality—in a house in which all the windows and doors were open—and that no sound or outcry was heard, that there were people all around this house and near to it on the evening when the occurrence took place; they had been examined and none of them heard a single sound of any kind come from the rooms where the incident occurred, and it was the opinion of all that an outcry of any force or power could have been easily heard by them had it been made. He dwelt also on the fact that the prosecutrix had remained in the room for some time with the man, against whom she now made this charge, after he had ruined her; that immediately after he left the room she joined companions and was with them some time without telling them anything, and the law demanded that, when a woman had been criminally assaulted against her will, if she would have the protection of the law, she must report the injury as soon as practicable. He also dwelt on the fact that the defendant remained in his room after the occurrence; that he had made no effort to escape, though he had money and he knew that such a crime as he is charged with is punishable with death. He specially emphasized the fact that the prosecutrix was a woman, seventeen years of age, and not the innocent, confiding, unsophisticated little child that she was represented to be; but she was of an age at which many women become mothers.

Col. Fuller spoke for more than two hours and closed with leaving "the case in the hands of a merciful God and a just jury."

Mr. R. H. Battle followed for the defence and said: "We will insist that our client has been guilty of sin against society, and against the church of which he was a minister; but we will also insist that he is not guilty of any crime of which the law takes cognizance."

He presented the fact that those women were of just as strong passions as men. It has been told here that the members of the Catholic church are taught to look with peculiar reverence on the priest; but there is no teaching nor is there any necessity that the female members should ever go to the priest's rooms. On the contrary there is provision against this very thing. A witness—a member of the Catholic church has told you that it is wrong and unlawful for priests to hear confessions in their rooms; but the laws and doctrine of the church require confessions and make proper provision for them. A little room with two compartments is arranged, and when a member of the church goes to confession, the priest occupies one apartment and the penitent the other and their communication is held with bars or a wicket between them, so that there is no possibility of personal contact. There is no necessity for members to come in close contact with the priest than this; and any closer intimacy is always voluntary with the one or the other. You will remember, gentlemen, that this incident occurred early in May—the season when the passions of mankind, as well as beasts, are the strongest and most vigorous, and that some women are as much controlled by these passions as men. The prisoner at the bar has yielded to passion and admits it. He has lost his place in society, and has sinned morally; but he has committed no crime and the law has no forfeit on his life."

Mr. Battle laid special emphasis on the testimony given by the prosecutrix, who said that while in Boyle's room, he threw her down, then let her up, saying, "You have ruined them up down stairs," and who said that she heard footsteps below. "She did not scream," gentlemen. "If a footprint could be heard downstairs from the room in which she was, why is it that a scream in that room could not have been heard down stairs. She says she called 'help!' several times, but that cry was never heard. Had it been heard it would have been like a fire bell in the night, and would have aroused the community. And then she says herself that she arranged her clothing

and hair while in Boyle's room, and when she met her friends immediately afterwards and was questioned as to where she had been so long, she did not reveal the matter."

I admit that the prisoner has been guilty of sin in the sight of God, but not guilty of crime against the laws of your State."

Mr. Geo. H. Snow followed for the defence. With intense earnestness and pathos he said: "I feel the weight of the great responsibility which rests on me as I stand before you to make the last speech in defence of the prisoner at the bar. I would much prefer that this duty should have fallen upon other shoulders; but I have consolation in the fact that, if I should fail in the duty, the case has already been presented to you in an able way by the counsel to whom you have just listened. I would feel that to say more were a work of supererogation were it not for the fact that I plead for a human life. I shall not plead for mercy, but for justice. I plead with you here and now to try this man as he is charged and to try him under the laws of North Carolina. Don't try him as Catholic priest! Don't try him for being drunk! Don't try him for the rumors and reports you have heard about him! But try him as a man and accord him that justice that is free from all prejudice."

Mr. Snow also dwelt with emphasis on the publicity of the place where the incident occurred, and he reverted to the fact that the priest had not encouraged the prosecutrix; to the contrary he had repulsed her, for when she had asked him if she might go to his lawn party, he told her no she could not come. He called attention to the fact that the prosecutrix had said that she "had felt honored" when the priest had taken her on his lap and kissed on Tuesday, May 7th; but when the priest did the same thing on Saturday, May 11th, she said to him, "This is no way for a priest to do." He also referred to the fact that the evidence showed that when Alice Upchurch asked her why she staid in the priest's room so long, she did not tell that she had been outraged, but told Alice that she had been listening to Father Boyle tell about his visit to New Bern.

The counsel referred to the evidence with reference to the bruises found on the body of the prosecutrix, and said that they were slight when seen, and were going away; and that they were no more evidence of force than of consent. Mr. Snow concluded his argument with an appeal for justice not mercy, for the prisoner, and believed, under God, that with the evidence they had before them they would render a verdict of "not guilty."

His speech was over an hour long and was generally pronounced a masterly and eloquent deliverance. At times while he was speaking there were many wet eyes in the crowded room.

Solicitor Argo next spoke. He said: For six mortal hours, three able lawyers have been in vociferous tones denouncing a poor, outraged girl and praising and lauding a man whose record and whose own confession shows him to be unworthy of respect. It is time that some voice were lifted in defence of the defenceless and helpless girl. I shall attempt to do this, and in the effort I shall be alone. I wish to say that I believe you will hear this case and return a verdict in accordance with the evidence, regardless of consequences.

I shall address myself to the question as to whether or not there was consent on the part of the prosecutrix. Now the crime of rape can be accomplished by force or by fear, and the fear need not be so great as to create a reasonable apprehension of death.

The question is one of incalculable importance to each party. The counsel for the defence has told you that the life of this man is in your hands. On the other hand, the virtue of the girl is in the balance—and that virtue is dearer to her than life. You have been told that if you shall say that he is guilty, that his life must pay the penalty. But that is not necessarily so. If you find him guilty, he has the privilege of appealing to a higher court or of applying for the pardoning power of the Governor, either of which will afford him an avenue of escape. But if you pronounce him "innocent" what, in God's name, becomes of this poor little girl? You consign her to a living death—worse than death itself.

You have before you the evidence of a man who was clothed with all the authority and reverence of the priesthood—a man who was sworn to celibacy—fondling and ruining a confiding and trusting young girl of seventeen summers. He knew he could not marry her; he knew his priestly oath and obligations would prevent that; he knew that by criminal intimacy or force, he violated his oath, and if he would violate it there he will violate it here; and hence his evidence is unworthy of credence.

Now, gentlemen, you are told by several witnesses that they were near the building at the time this affair occurred and they heard no sound. Miss Alice Upchurch says she heard Geneva call out "heigho," but I have a written statement here from her in which she says that cry may have been "oh! oh!" But she heard the cry, and therefore Geneva Whitaker's voice was heard on that evening while she was in Boyle's room. Can you suppose, gentlemen, that if there had been "consent" on the part of Geneva, that she would have made any outcry at all? If so, why? Remember this when you go to the jury room.

They have told you that this little girl did not tell of her ruin as soon as she joined some of her companions, and they tell you that this is evidence of an effort to conceal the matter; but I tell you that she followed the very course that any modest young lady would have taken. She wanted to keep the matter concealed till she could get to those in whom she knew she could confide and trust, and when she got to them she wailed out, "I am ruined by the priest."

As to her remaining in his room, he kept her there, threatening to kill her if she ever told what had occurred. With reference to the incident of Geneva's sitting on the priest's knee, the Solicitor asked: Is every young lady or girl, who may do a little action that we might regard as imprudent, to be accreted with lecherous desires? God forbid! And yet they put that incident down to the little girl's discredit—even though she knew the priest's vow of celibacy and naturally thought him far beyond an evil deed.

The Solicitor closed the argument at 7:30 o'clock, and the Judge immediately began his charge to the jury.

The Charge.

In his charge to the jury the Judge reviewed the evidence in full, and instructed them that the circumstances in the case would justify them in returning a verdict of "rape" or of "assault with intent to commit rape" provided they should find by the evidence that the prisoner was guilty in any particular degree.

The Case Given to the Jury.

At 9:30 o'clock the Judge finished his charge and gave the case to the jury, who retired at once.

A Court Room Scene.

The court had been in session since 2 o'clock p. m. When the jury retired the court room was already full of people, and when it was announced outside that the jury had retired, people began to flock to the court house, and they poured in till the court room was utterly jammed and packed. Hundreds of people who had been there all day kept their seats. They feared if they retired for supper, that the jury would come in while they were absent, and they were painfully anxious to be in at the finish.

The unused portion of the crowd "scrouged" back and forth, speculating on the probable verdict of the jury, expressing opinions, asking questions and keeping up an interminable wriggling and a deafening buzz. Interest in the case grew more intense every minute, and by eleven o'clock there was as much excitement over it as there was in the trial which was held last September.

Boyle's counsel never left the bar. The Judge had stepped across the street to the Yarbboro House and the Solicitor had also retired.

The Jury Reached a Verdict.

At 11:40 o'clock, just when there was a loud buzz in the room, a loud knock was heard from the inside of the jury room. Deputy Sheriff Johns responded to the knock and the foreman of the jury announced that they were ready to render their verdict. They had been out two hours and ten minutes.

Messengers were at once dispatched for the Judge and Solicitor. Five minutes later the loud buzz succeeded by an almost deadly hush. The prisoner, J. J. Boyle, was entering the room in charge of an officer. Five hundred necks were stretched to the utmost length that glimpses of the prisoner might be had. He came in calmly and coolly, though a slight flush was perceptible on his face. He sat down near some reporters and entered into a conversation with them, smiling and chatting with the utmost freedom. A minute later Judge MacRae came in and went into the Judge's box. Solicitor Argo came a minute later. The Judge rapped for order. The suspense and anxiety were so great, it seemed that the crowd breathed with difficulty.

"Not Guilty."

When the Judge took his seat he said: "I want it understood now that there must be no demonstration from either side when the verdict is announced." At 11:50 o'clock the jury came in and stood in a line before the prisoner. Boyle was told to stand up. He arose and faced the jury. There was not a tremor of a muscle in his face. The jury were asked for their verdict, and every one of them responded simultaneously, "NOT GUILTY."

A Remarkable Scene.

Despite the order of the Judge that there be no demonstration, there was a burst of wild applause when the verdict was announced, and it lasted two or three minutes. Hats and handkerchiefs were waved, and people jumped up on the seats and hurraed and cheered vociferously. Boyle's counsel immediately turned to him and congratulated him. There was indescribable confusion for a time, but Boyle was noticed to

How His Thanks

to the jury. Then there was a rush of people towards him to congratulate him. He was smiling brilliantly and shook hands with those around him as fast as he could.

Called on to Speak.

While he was jammed in a dense crowd, there arose a vociferous call for Boyle to make a speech. He evidently intended to respond, but his leading counsel whispered to him not to say a word.

"You Are a Free Man."

As soon as something like order could be restored, Col. Fuller, of Boyle's counsel, moved "that the prisoner be discharged." The Judge announced that there was no good reason why he should be kept in custody any longer. Col. Fuller then turned to him, took his hand and said aloud: "I congratulate you. You ARE a FREE MAN."

Applause broke out again, and the calls for Boyle to speak were renewed. Col. Fuller then stood on the steps of the Judge's box and called out in a loud tone: "I have asked Father Boyle not to speak and he will not do so. Please do not call on him. I say to him now, do not say a word, but go right down to the sheriff's office."

Back into the Jail.

Boyle immediately started out of the room, but made his way with great difficulty, so great was the press around him. He got down stairs and gained the door of the hall leading to the sheriff's office, when the sheriff immediately had the hall door closed to keep out the crowd. Boyle remained in the office a minute or two and then went back to the jail, where he remained till Father Charles, of the Church of the Sacred Heart, came for him in a carriage and took him to the Catholic parsonage.

Some Coincidences.

It was on SATURDAY night, May 11th, that Boyle was arrested and jailed on the charge that has given him so much trouble. He was put in prison between eleven and twelve o'clock.

It was on SATURDAY night, October 6th, when his first trial ended and the verdict of "GUILTY" was rendered against him; and at 11:50 o'clock on that night, that he stood up in court and heard the sentence that he "be taken from the common jail between the hours of nine and five, on November 29th, and hanged by the neck until you are dead, DEAD, DEAD; and may the Lord have mercy on your soul."

It was on SATURDAY night, March 29, at 11:50 o'clock, after another trial, that Boyle saw a jury enter the same court room in which the death sentence had been passed upon him, and heard that jury render a verdict of "NOT GUILTY," and a moment later was told "YOU ARE a FREE MAN."

Rev. A. G. McManaway, of Charlotte, N. C., has in press a volume of unpublished sermons by Mr. Spurgeon, which will be issued June 1st.

MARKETS.

New York, March 29.—Messrs. Hubbard, Price & Co., in their cotton circular to-night say: Foreign advices are practically without change, though comparatively more business is doing on the spots. Near by positions remain quiet, without decided change. According to the Chronicle the crop in sight now is 320,000 bales head of 1889. The total visible supply is 143,000, more of which 93,000 are American. Receipts at ports to-day are estimated at 3,000 bales. Spots unchanged; middling uplands 11-16; sales 60 bales. Transactions in futures to-day, 26,400 bales. Futures closed firm at 1 to 2 points higher, as follows:

Futures closed firm at 1 to 2 points higher as follows:

Month	Price
March	11 35-38
April	11 38-40
May	11 40-42
June	11 42-44
July	11 44-46
August	11 46-48
September	11 48-50
October	11 50-52
November	11 52-54
December	11 54-56
January	11 56-58

In Liverpool spot cotton closed steady; middling uplands 6 1-6 d. Sales 7,000 bales.

City	State	Cotton	Mkt.	Ret.	Ex.
Savannah	42	Dull	10 13-16	160	....
Philadelphia	42	Quiet	11 11-16	....	....
Mobile	750	Steady	10 13-16	....	....
Memphis	2250	Firm	10 15-16	118	....
Augusta	200	Firm	11 7-8	130	....
New Orleans	3200	Firm	10 15-16	716	2622
Wilmington	....	Firm	10 14	320	....
Louisville	....	Steady	11 1-8	....	....
St. Louis	110	Steady	10 7-8	798	....
Baltimore	....	Nominal	11 1-4	....	....
Galveston	408	Firm	10 11-16	166	....
Norfolk	165	Steady	11 1-8	....	....
Boston	....	Firm	11 5-8	165	....

Baltimore Produce Market.

COTTON—Firm. Middling 11 3-8. FLOUR—Inactive. Howard Street and Western super 200a250; do. ex. 275a300; do. family 375a400; city mills no brands extra 320a410; winter wheat patent 400a480; spring do. 450a525; do. do. straight 425a475; do. do. extra 400.

WHEAT—Southern quiet; and firm: Pultz 80a85; Longfellow 81a85; No. 2 81a-82; No. 2 red steamer 81; Western steady; No. 2 winter red spot and March 83 1-2a3-4.

CORN—Southern firm; white 39a40; yellow 36a37; Western firm; mixed spot and March 36 1-2a-4.

OATS—Steady. Southern and Pennsylvania 27, 30a1-2; Western white 29a30; do. mixed 27a28 1-2; No. 2 graded white 30 1-2.

PROVISIONS—Firm and unchanged. Mess pork, old 10 7-8; new 11 7-8; bulk meats, loose shoulders 4 3-4; long clear and clear rib sides 5 1-4; sugar pickled shoulders 51-5a 5 1-2; sugar cured smoked shoulders 6 1-4 6 1-2; ham 101-2a11 3-4; Lard, refined, 7 1-2; crude 6 1-4.

PETROLEUM—Steady. Refined 7 1-4. COFFEE—Firm. Rio cargoes fair 20 1-2a-4.

SUGAR—Quiet. A soft 6 3-16. COPPER—Refined steady 12 3-4 13 1-4.

WHISKEY—Firm 100a110.

St. Louis Produce Market.

FLOUR—Quiet and dull but unchanged. WHEAT—Higher May 77 3-8; bid. CORN—Firm; April 25 1-2 bid. OATS—Easy; May 22 1-2 bid.

LARD—Prime steam 5.80. PORK—Standard mess 10.50; dry-salted shoulders 4 7-8; long and cribs 5 1-2; short clear 5 3-4; bacon boxed shoulders 4 1-2; long 5.60; cribs 5.65; short clear 5.70; Cincinnati pork regular 11.00a11.10; family 10.75, 10.87 1-2; lard kettle refined 6a6 1-2; bacon short clear sides 5.87a 5.90.

Naval Stores.

WILMINGTON, N. C., March 29.—Spirits turpentine quiet at 39c. Rosin firm; strained 110, good do. 115. Tar firm at 1 3-4. Crude Turpentine quiet, hard 1 2-3; yellow dip and virgin 2 2-3.

CORN—Firm. White 47; yellow 44 1-2, 45 1-2. New York—Spirits turpentine quiet at 42a 42 1-2. Rosin dull; strained common to good \$1 15a1 20.

Savannah—Spirits turpentine 39c. paid. Rosin firm at \$1 15a1 20. Charleston—Spirits turpentine quiet at 38c. Rosin quiet; good strained \$1 10.

Chicago Produce Market.

Chicago, March 29.—Wheat and corn opened active; oats and provisions quiet.

WHEAT—March 78; May 75 5-8; June 79 7-8. CORN—March 28 1-2; May 29 7-8; June 30 1-4. OATS—March 22; May 22 1-4; June 23 1-4. PORK—March 10 4-5; May 10 5-7 1-2; June 10 6-5.

LARD—March 6 1-2 1-2; May 6 1-7 1-2. RIBS—March 5 1-2 1-2; May 5 1-2 1-2.

New York Produce Market.

FLOUR—Closed easy and dull; prices unchanged. WHEAT—Closed firmer; spot sales No. 2 red winter 87 1-2; No. 2 red winter March 87 1-2.

CORN—Closed steady; spot sales No. 2 mixed 33 3-8; No. 2 mixed Mch. 36 1-2. OATS—Closed steady; spot sales No. 1 white 33; No. 2 mixed March 23 3-4.

PORK—Dull; new mess 11.50, 12.00. LARD—Quiet; May 6 4-5 bid. COFFEE—Spot lots steady. Fair Rio cargoes 20 1-2.

SUGAR—Refined dull and nominal cutloaf and crushed 6 1-8.

The City Cotton Market.

RALEIGH, N. C., March 29.—5 P. M.

Good Middling	11
Middling <td>10 7-8</td>	10 7-8
Strict Middling <td>10 1-4a10 3-4</td>	10 1-4a10 3-4
Strict Low Middling <td>10a10 1-2</td>	10a10 1-2
Fines <td>10 1-2</td>	10 1-2
Stains <td>10 1-2</td>	10 1-2
Market firm <td>10 1-2</td>	10 1-2

Raleigh Tobacco Market.

Reported for the STATE CHRONICLE. RALEIGH, N. C., March 29. Market strong and active, with prices full up to our quotations with 80 per cent. of crop sold, and buyers, both on orders and for speculation anxious for stock.

Smokers—Common Good, 5a8; Fine, 5a7; Cutters—Common Good, 7a11; Fine, 11a15; Medium, 10a14; Good, 10a14; Fine, 25a35; Medium, 25a35; Cutters—Common Good, 25a35; Fine, 25a35; Medium, 25a35; Wrappers—Common Good, 25a35; Fine, 25a35; Medium, 25a35.

Good to fine, to fancy, 40a70. Brokers for March have been lighter than over known on this market for March, showing that stock left on planter's hands is about exhausted. Farmers report plants badly killed out by cold. Prices well up to best side quotations.

City Produce Market.

Reported for the STATE CHRONICLE by W. C. & A. B. Stronach, Wholesale and Retail Grocers. RALEIGH, N. C., March 29.

Good	10c	Terrapins, speckled,	10c to 20
Ducks	25 to 40c	Chickens, 12 1-2 to 30c	no sale
Turkeys	10c lb	Eggs, 10 to 11c	10c lb
Beef	10c	Dried peaches, peeled,	10c lb
Hams	11 to 12 1-2	Dried apples, unpeeled,	6c lb
White peas, bush, 1.25		Dried apples, 6c lb	
Black and clay do, 1.00		Dried blackberries, 10c lb	
Sweet potatoes, 63c		Dried blackberries, 10c lb	
Turnips, 30 to 35c		Chatham rabbits,	10c
Opossums, 8 to 10c		Indian snake root, 4c	
Squirrels, 12 1-2		Angelica, 12c	
Robins, 2 1-2 to 3c		Sassafras bark, 4c	
English sparrows, 10c doz.		Hay, per hun, 9c	
Ball frogs, 10 to 20c p.		Fodder, " 90 to 100	
Ground hogs, 25c doz.		Shucks, " 40c	
Turtles, 25 to 75c		Wheat straw, 25c	
		Pine straw, 25c	
		Broom straw, 2c bun	

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